

**6146. Misbranding of maple and refined sugar sirup. U. S. \* \* \* v. Sylvester B. Rogers and Fred H. Rogers, copartners, (S. B. Rogers & Son). Pleas of guilty. Fine, \$25. (F. & D. No. 7708. I. S. Nos. 601-1, 1540-1.)**

On January 23, 1917, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sylvester B. Rogers and Fred H. Rogers, copartners, trading under the name of S. B. Rogers & Son, Elmira, N. Y., alleging shipment by said defendants, on or about October 28, 1915, and April 21, 1916, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Pennsylvania, of quantities of an article labeled in part, "Fancy Maple and Refined Sugar Syrup,  $\frac{1}{2}$  Gallon, manufactured by S. B. Rogers & Son, Elmira, New York," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

*Shipment of April 21, 1916.*

No.	Net contents.	Shortage.
	<i>Gallon.</i>	<i>Per cent.</i>
1 .....	0.462	7.6
2 .....	.462	7.6
3 .....	.462	7.6
4 .....	.459	8.2
5 .....	.458	8.4
6 .....	.462	7.6

Average shortage (per cent) 7.8.

Capacity of cans was less than  $\frac{1}{2}$  gallon.

*Shipment of October 28, 1915.*

No.	Net contents.	Shortage.
	<i>Gallons.</i>	<i>Per cent.</i>
1 .....	0.47	6.0
2 .....	.452	9.6
3 .....	.462	7.6

Average shortage (per cent) 7.7.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, " $\frac{1}{2}$  gallon," borne on the label attached to the can, regarding the article, was false and misleading in that it represented that the can contained  $\frac{1}{2}$  gallon of the article; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained  $\frac{1}{2}$  gallon of the article, whereas, in truth and in fact, it did not, but contained a less amount. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 19, 1918, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. A. PEARSON, *Acting Secretary of Agriculture.*